

24833. Adulteration of butter. U. S. v. Cecil Harris, Vernon Fox, Lee Hentzen, and Gustav E. Fischer (Hi-Quality Dairy Products Co.). Pleas of guilty. Fines, \$100. (F. & D. no. 33935. Sample no. 70765-A.)

This case involved a shipment of butter that contained less than 80 percent by weight of milk fat.

On April 5, 1935, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Cecil Harris, Vernon Fox, Lee Hentzen, and Gustav E. Fischer, copartners trading as the Hi-Quality Dairy Products Co., Kansas City, Mo., alleging shipment by said defendants in violation of the Food and Drugs Act, on or about June 23, 1934, from the State of Missouri into the State of New York of a quantity of butter that was adulterated.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat as required by the act of Congress of March 4, 1923, which the article purported to be.

On June 24, 1935, the defendants entered pleas of guilty and the court imposed fines in the total amount of \$100.

W. R. GREGG, Acting Secretary of Agriculture.

24834. Adulteration of butter. U. S. v. Gordon Cooperative Creamery Co. Plea of nolo contendere. Fine, \$25 and costs. (F. & D. no. 33936. Sample no. 6466-B.)

This case was based on an interstate shipment of butter that contained less than 80 percent by weight of milk fat.

On February 15, 1935, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Gordon Cooperative Creamery Co., a corporation, Gordon, Nebr., alleging shipment by said company in violation of the Food and Drugs Act, on or about July 4, 1934, from the State of Nebraska into the State of New York of a quantity of butter which was adulterated.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat as required by the act of Congress of March 4, 1923, which the article purported to be.

On September 16, 1935, a plea of nolo contendere was entered on behalf of the defendant company and the court imposed a fine of \$25 and costs.

W. R. GREGG, Acting Secretary of Agriculture.

24835. Misbranding of rye middlings. U. S. v. Eagle Roller Mill Co. Plea of guilty. Fine, \$25. (F. & D. no. 33937. Sample no. 68562-A.)

This case was based on an interstate shipment of feed which was represented to consist of rye middlings, but which consisted in part of screenings or scourings or both screenings and scourings.

On June 11, 1935, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Eagle Roller Mill Co., a corporation, New Ulm, Minn., alleging shipment by said company in violation of the Food and Drugs Act, on or about March 26, 1934, from the State of Minnesota into the State of Maryland, of a quantity of alleged rye middlings which were misbranded. The article was labeled in part: "Rye Middlings."

The article was alleged to be misbranded in that the statement "Rye Middlings", borne on the tag attached to the sack containing the article, was false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since it was not rye middlings, but was rye middlings and screenings and/or scourings. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On June 11, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$25.

W. R. GREGG, Acting Secretary of Agriculture.

24836. Adulteration of confectionery. U. S. v. William Horowitz (W. Horowitz, F. Herbert, Frank Herbert). Plea of guilty. Fines, \$50 on each of 16 counts. Sentence suspended on all counts but the first. (F. & D. no. 33940. Sample nos. 46130-A, 46131-A, 57992-A, 57993-A, 57994-A, 6709-B to 6722-B, incl.)

This case was based on interstate shipments of confectionery that contained alcohol.

On May 13, 1935, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against William Horowitz, trading under the aliases, W. Horwitz, F. Herbert, and Frank Herbert, New York, N. Y., alleging shipment by said defendant in violation of the Food and Drugs Act between the dates of November 28, 1933, and January 4, 1934, from the State of New York into the States of Illinois, Massachusetts, and Maryland of quantities of confectionery which was adulterated. The article was labeled in part: "Mlle Modiste" or "Palais Royal Confiserie Moderne."

The article was alleged to be adulterated in that it contained spirituous liquor.

On June 10, 1935, the defendant entered a plea of guilty and the court imposed a fine of \$50 on each of the 16 counts of the information. Fines were suspended on all counts but the first.

W. R. GREGG, *Acting Secretary of Agriculture.*

24837. Adulteration and misbranding of ginger ale and ginger ale sirup. U. S. v. Buffalo Rock Co. Plea of guilty. Fine, \$50. (F. & D. no. 33951. Sample nos. 61894-A, 11551-B.)

This case was based on interstate shipments of ginger ale sirup and ginger ale that contained added caffeine.

On April 6, 1935, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Buffalo Rock Co., a corporation, Birmingham, Ala., alleging shipment by said company in violation of the Food and Drugs Act on or about January 23 and July 14, 1934, from the State of Alabama into the State of Mississippi of quantities of ginger ale sirup and ginger ale, which were adulterated and misbranded. The articles were labeled in part: "Buffalo Rock Ginger Ale Syrup [or "Buffalo Rock Pale Ginger Ale"] * * * Buffalo Rock Company Birmingham, Alabama."

The articles were alleged to be adulterated in that caffeine had been substituted in part for the articles.

Misbranding was alleged for the reason that the unqualified statement, "Ginger Ale Syrup", with respect to the sirup, and the statement "Ginger Ale", unqualified by any word other than "Pale" and "Extra Dry" with respect to the ginger ale, borne on the labels, were false and misleading, and for the further reason that the articles were labeled so as to deceive and mislead the purchaser, since the said statements represented that they consisted solely of ginger ale sirup or ginger ale; whereas they did not so consist, but did consist in part of caffeine.

On August 9, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$50.

W. R. GREGG, *Acting Secretary of Agriculture.*

24838. Misbranding of canned pears and canned black raspberries. U. S. v. Olympia Canning Co. Plea of guilty. Fine, \$30 and costs. (F. & D. no. 33969. Sample nos. 66582-A, 66735-A, 66755-A, 67796-A.)

This case was based on interstate shipments of canned pears and canned black raspberries which were short weight.

On April 27, 1935, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Olympia Canning Co., a corporation, Olympia, Wash., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about July 16, 1932, from the State of Washington into the State of Colorado of a quantity of canned black raspberries which were misbranded, and on or about November 6, 1933, and February 23, 1934, from the State of Washington into the States of Wyoming and New York, respectively, of quantities of canned pears which were misbranded. The articles were labeled, variously: "Yellowstone Brand Bartlett Pears Contents 1 lb. 14 oz. Packed for Paxton and Gallagher Co., Omaha"; "Solitaire Black Raspberries * * * Net Weight 1 lb. 5 ozs. 595 Grams The Morey Mercantile Company Distributors Denver, Colorado"; "Jes-so Bartlett Pears Contents 1 lb. 14 oz. * * * Distributed by Sweet Life Food Corp. New York."

The articles were alleged to be misbranded in that the statement, "Contents 1 lb. 14 oz.", with respect to the canned pears, and the statement, "Net Weight 1 lb. 5 ozs.", with respect to the canned black raspberries, borne on the labels, were false and misleading, and for the further reason that the articles